Canons of Construction

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The Honourable Mr. Justice William Ian Binnie *Photo taken by My-Le Lai*

"A Court like no other"

My-Le Lai (3L)

With just the right amount of humour and pithy advice, the Honourable Mr. Justice William Ian Binnie relayed his experience as one of nine judges sitting on Canada's highest court, the Supreme Court of Canada, on Friday, Sept. 30 to a packed crowd of law students and faculty. After an illustrious career as Associate Deputy Minister of Justice for Canada, senior partner at McCarthy Tétrault, part-time lecturer on Aboriginal Rights at Osgoode Hall Law School, and counsel for Canada before the International Court of Justice, Justice Binnie was appointed to the Supreme Court on January 8, 1998 at the age of 59. Getting that magical call from the selection committee was "an out-of-body experience because no-one expects it," reflected Justice Binnie.

Justice Binnie amusingly opened his discussion by relaying the story of how one justice had mentioned, when Madam Justice McLachlin (now Chief Justice) was appointed to the Supreme Court in 1989, that there were "three down and six to go." With the induction of the Honourable Madam Justices Rosalie Silberman Abella and Louise Charron, he quipped that it was "now four down and five to go."

Another anecdote was that when he was appointed to the Supreme Court the other eight justices had a total sitting time of 78 years with the former Chief Justice Lamer having been appointed 30 years ago. His own appointment therefore represented a judge who was drawn from practice in order to get "more recent thinking from the bar." The Supreme Court of Canada is "a court like no other," according to Justice Binnie.

For instance, the Supreme Court "has such a powerful tradition and ritual" states Justice Binnie, starting with the seating arrangement. The newest member sits at the far east end of the court and is bounced to the far west once a judge has retired and a new spot has opened up. Even the table in the dining room inherits this seating arrangement. In essence, "each seat has a pedigree." The rituals are designed to

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Parliament and the Democratic Deficit in International Affairs

Joanna Harrington

Defence Minister Bill Graham recently announced that Cabinet and not Parliament will decide whether Canada enters into a treaty with the United States on the issue of missile defence. After all, argued the Minister, there is no need for a Commons vote on the issue because Cabinet can approve treaties. Well, right in law, Mr. Minister, but wrong in principle if your government is truly committed to addressing the "democratic deficit", including the deficit in our law that allows Cabinet to engage in treaty making, whether it be the Kyoto Protocol or missile defence, without truly involving the elected representatives of the public interest.

In today's increasingly interdependent world, treaties are a significant source of law. Through hundreds of agreements reached after months of negotiations behind closed doors and through inaccessible diplomatic channels, legal rules on subjects as diverse as defence, trade, human rights and the environment are agreed to by Cabinet Ministers that will likely generate new domestic law and policy. It is easy to repeat the mantra that these new rules do not become domestic law without the passage of domestic legislation by Parliament. But once ratified, treaty rules are binding under international law and their legal character puts not-so-subtle pressure on the domestic institutions of a state, including Parliament and the courts, to take steps to ensure compliance. After all, there are consequences if we break our word with our treaty partners.

While the Minister is correct that in law, the decision to make a treaty rests with the executive branch of government, nothing in our law stops the executive from seeking input, or even prior approval, from Parliament as a whole or from a parliamentary committee, such as the Standing Committee on Foreign Affairs,

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Parliament and the Democratic Deficit...

...*Continued from page 1*

once chaired by the Minister himself. In our legal system, Parliament is the ultimate lawmaker. Not Cabinet, nor diplomats, nor well-meaning NGOs. So why shouldn't Parliament have some role or say in treaty lawmaking at a time when that role will have some effect, i.e. before the treaty is ratified?

This isn't a radically new suggestion. In fact, parliamentary involvement in treaty making used to be the norm in Canada. At the behest of MacKenzie King, all treaties of importance were laid before Parliament for its consideration before the executive committed the nation to new treaty commitments. This practice of involving Parliament existed from 1926 to about 1968, but has now fallen into such disuse that no one seems to remember that we once had such a rule. Gone are the days when a review of the parliamentary record would guarantee a discussion of the impact and costs of an international treaty.

By contrast, parliamentary involvement in treaty making continues to be the rule in the United Kingdom, Australia, and New Zealand, among others. It all began with British MPs in the 1920s demanding greater parliamentary control over foreign affairs in reaction to the horrific human cost of World War I and the contributing role played by treaty-based alliances. In Australia, a dedicated "Joint Standing Committee on Treaties" has existed for several years to ensure that every treaty action proposed by the government is scrutinized by Parliament. The Committee's hearings are open to the public, well advertised in the national press, and well attended by government officials, independent experts, affected organizations and civil society groups to ensure that a treaty's costs and consequences are fully considered prior to becoming legal commitments. In New Zealand, treaties are reviewed by the Foreign Affairs, Defence and Trade Committee, or another suitable committee depending on the proposed treaty's subject matter, while in the United States, the Constitution requires all treaties to be submitted to the Senate for its advice and consent. Only Canada is stuck on keeping the elected legislators, and the public, in the dark until after treaty ratification.

The Prime Minister has laid claim to the phrase "democratic deficit". (It's not in fact his phrase, given its long-use to describe the need for parliamentary involvement in the law making of the European Union). And yet, the Defence Minister clings to a rule of "royal prerogative", inherited from a time when Kings made treaties, to keep parliamentarians of all political stripes at bay. Absent the removal of this royal prerogative, a true commitment to remedying the democratic deficit would see proposed treaty actions being brought to the attention of Parliament, and the public that it serves, before they become law. It may not be the most efficient, but only such a process truly commits us to a transparent, fully informed, and democratic society.

Joanna Harrington is a law professor at the University of Alberta. Her research on the Canadian treaty making process will be part of a joint project with the Department of Justice.

Want to get involved with Canons?
Come out to our general meeting:

Wed, Oct 20, 2004
Rm 102 (in the Locker room)
Time: noon

"A Court like no other"

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eliminate jockeying among the judges. This interesting mechanism is extended to the pending appeal as the newest justice gets to speak first, moving in reverse order of appointment with the Chief Justice given the last word. Justice Binnie humourously noted that this arrangement prevented the newest member from saying that "you've all missed the point." Another advantage is that it encourages people to put views on the table with the least influence and the objective is to listen to what people say, according to Justice Binnie. He also stressed the importance of collegiality at the Supreme Court. "We don't want little groups forming. [We] don't have 'blocs', groups of shifting votes," remarked Justice Binnie. The objective is to allow "each judge to form a solid opinion and be free from influence but be informed [by] all the colleagues' opinions."

Another distinguishing element of the Supreme Court is the way in which an appeal is argued. At this level, the purpose is not to re-litigate the trial. "The key to advocacy at our level is to identify the questions that the litigation turns on," advises Justice Binnie. What is important is the dispositive issue or question, not the facts of the case. Advocacy is geared "in the analysis of the problem and to bring out in the unformed mess of fact and cull what is critical to the disposition." The key is to focus, not to ramble on as if talking to a jury. "Your job is to discard everything, but leave out nothing," he advises. Another tip is to put about five points on a piece of paper. Also the factum is a preview, letting the court know where you are going, but not to be read verbatim in court. "Lawyers should not be arguing the whole case, just the few points", he adds.

Canons of Construction is the official Law Student Newspaper of the University of Alberta Law Faculty. *Canons'* principal objectives are to provide equitable and judicious coverage of issues and events germane to Law Students at the University of Alberta and to provide an open forum for the free exchange and expression of thought, opinions and ideas.

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3L FILES

"Pleasantville? No, it's just Edmonton"

Aristotle Sarantis (3L)

When the editors at *Canons* asked if I wanted to write a column, they graciously gave me significant creative license (read: shameless self-indulgence) – just a minimal legal angle for my year would be fine, they said.

Well, that's the easy part: It's our last year, we're broke, Students Finance screwed us, let us take a moment to commiserate.

Now what?

I've been staring at white space for hours. I mean, even Jack Nicholson's character from *The Shining* (you know, "Wendy, give *me* the bat...") managed to churn out something about work and play and being dull, but this is ridiculous. You see, the problem is this: the only thing I've ever felt comfortable doing is being a crank. And this, my first year in Edmonton affords me nothing to whine about. The demented pageantry that goes on in Toronto's subways, (which led to) shingles, (which led to) indiscreet pharmacists – these are subjects for which I'll wax grouchily to anyone who's morbidly curious enough to listen.

But coming to Edmonton was like stumbling onto a Tim Burton soundstage. Every morning I wake up, throw on my bunny slippers, and wait for something *nice* to happen. This is a significant change from last year when, for instance, some cha-chi – obviously on an errand between the gym and the tanning salon– carelessly flung his car door open, ushering me and my mountain bike headlong into the bumper of the car in front. He took one look at me bleeding in the middle of Bloor Street, and then insouciantly adjusted his belt (studded, of course) and strutted into the Aveda store.

And don't get me wrong – I'm no stranger to western hospitality. I went to Toronto for school (indeed, for me, the only beacon of light in what I lovingly refer to as my Long Day's Journey Into Night), but I've spent most of my years in Calgary. Yet, even the difference three hours by Hertz can make is remarkable.

You don't believe me?

Having kindly been accepted to study on a Letter of Permission at U of A, I scrambled up here in August to find a place. The very first place I looked at was immaculately clean, bright, *and* reasonable. It actually came with a "Welcome" binder (I'm not kidding) like you might find in a Best Western. So get this: the day after the nicest landlord on the planet approved my rental application, I found myself in a lounge in Calgary complaining to my friends about...well...something or other, and my cell rang: It was the landlord, calling to tell me he wanted to *drop* the rent by $50. Who does that?

Then there's U of A Law. I am continually amazed at the way amity emanates from the place like a Sunday gospel program. Strangers smile at me for no reason at all – no small feat, since *I* wouldn't smile at me if I were you. (Some mornings I look at myself in the mirror and this Durden-esque voice chortles, 'You've got an uphill battle, my friend.') Anyway, just last weekend this gentleman in 2nd year, with whom I'd hitherto only made passing acquaintance, said to me, "Aristotle, some friends of mine and I were wondering if you wanted to come out tonight. We figured since you're new here you might not know too many people yet." I didn't know what to say. (Well, I did. I said "yes", and got hammered that evening.)

This last incident prompted me to think that it must be something in the city's water supply, since he isn't even from Edmonton. And curiously, it's starting to rub off on me. In all my 34 years I have *never* helped an old lady cross the street (yeah, I know, the preferred nomenclature is "senior citizen"). It's not that I'm a selfish person *per se*. It's just that the situation has never presented itself. That is, until a couple of Tuesdays ago (which, coincidentally, was a full moon). I'm standing at the corner of 109th and Whyte, and I hear this gracious, tiny woman beside me say, "Oh dear, I never have enough time to make it across this street."

I didn't even know what I was saying until after I'd said it: "Well, don't you worry. We'll take as long as you like to cross this street." And it took a hell of a long time. We'd barely made it off the curb and the hand started blinking. Oh, and what's with the countdown? I have never seen that before, ever. At this point, it wouldn't surprise me if some of the intersections have a voice that accompanies it, saying "Y'all better scoot."

Do they?

Two other things happened on that fateful Tuesday. First, in what might be construed as possibly the only act of malicious behaviour I have witnessed here, someone deftly lobbed a water balloon from a Garneau high-rise, which missed me by one foot. But even this act didn't cause me concern, for I had the odd feeling that it was borne of some sort of benevolent good humour, and had it nailed me, someone from A-Channel would have stepped out of a van and handed me a $15,000 cheque.

And the last thing – the strangest thing – to happen on that Tuesday also occurred at 109th and Whyte. I was coming home from school, crossing 109th, when I noticed this gentleman jogging toward me. Just as the guy stepped off the curb, a pickup truck making a right turn onto Whyte smacked him, and literally launched him three or four feet. In a singular act of grace and composure, the guy landed on his feet, waved at the driver like it was no problem at all, and kept jogging. The guy in the truck smiled and waved back, like "Oops, didn't see ya," and kept driving.

Indeed, these are just a few of the remarkable things I've witnessed since arriving here. (They *did* happen, folks.) And if you've been kind enough to read this far, I guess the whole point of this blather is just to say...ummm...well...I like it here. I really, really like it here. This is a great city, and I'd like to stay awhile...

Speaker Series Update

My-Le Lai (3L)

On Friday, Oct. 8, Nola Reis spoke of the tension between individual liberties and rights with public health needs. Drawing upon the SARS crisis and the use of quarantine as a measure to protect public health, Reis deftly illustrated the ongoing balancing act. Both federal and provincial public health laws were amended as a result of the SARS outbreak, giving the government more means of containing the crisis. Critics, however, argued that quarantine was overused. For example, in the greater Toronto area 30,000 people were quarantined, but there were only 250 cases.

Faculty Perspective

Summering at the Inter-American Commission on Human Rights

Joanna Harrington

Many students ask me, an international lawyer, how they can get an internship position abroad. It's a great idea, but often more difficult to find than usually first envisioned, especially when it comes to finding the funding to support such an experience. This past summer, Andrea Gonsalves, a third year law student at the University of Western Ontario secured an internship at the Inter-American Commission on Human Rights, located in Washington DC. This is an interview with Andrea about her experience.

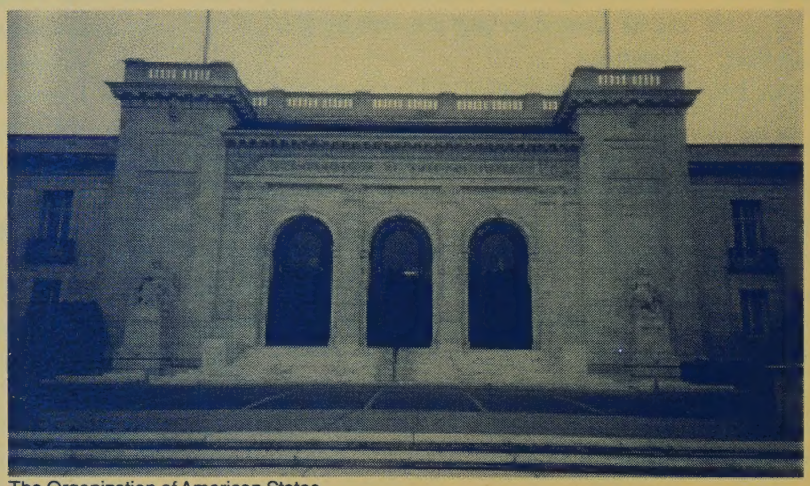
JH: Andrea, it's great to hear from you. How was the summer experience in DC?

AG: My summer experience was fantastic. I did a seven-week internship at the Inter-American Commission on Human Rights, a branch of the Organization of American States charged with the promotion of human rights in the Western Hemisphere. The Commission is staffed with human rights lawyers and receives petitions from individuals in member states who claim violations of human rights by their governments. The Commission hires a number of law students as interns throughout the year, and young lawyers as fellows for a one-year contract. My experience was extremely rewarding. I was able to assist with the intake and review of petitions as well as the drafting of opinions. By working at an inter-governmental organization (IGO), I gained a unique perspective of international law that strengthened my belief that it can bring about the protection of human rights. I increased my knowledge of human rights law as a theoretical and academic exercise, but I also saw that international law can have a real impact on people's lives.

JH: How did this internship come about?

AG: I was hired by Torys LLP in Toronto as a second-year summer student and began working there in May 2004. Torys has a split summer program which permits their students to spend half the summer working at an internship. Although the internship was scheduled to begin in June, I explained to the Commission that I could not leave Torys prior to mid-July. The Commission was quite flexible with dates and willing to accommodate the change.

JH: Sounds great, but how did you afford a move to Washington for two months?



The Organization of American States

AG: Although the Inter-American Commission on Human Rights, like most non-profits, does not pay its interns, under the split summer program Torys continues to pay the salaries of students while they are on secondment. I was required to pay for my flight and accommodations - I sublet a room in a house shared with three other DC interns - but I received my weekly salary from Torys.

JH: What was the most interesting aspect of the experience?

AG: It is difficult for me to identify the single most interesting aspect of my experience but I would have to say the people with whom I worked. The Commission is staffed with lawyers and interns from across the Western Hemisphere (though mainly Latin America). This created a vibrant and wonderful dynamic. Everyone came from a different culture with different legal and social experiences and different views. I learned that there are many different approaches to a common problem. I enjoyed participating in debates about the interpretation and application of the Commission's primary treaty, the *American Convention of Human Rights*. The staff lawyers were truly passionate about international human rights and by engaging in discussions with them I think I gained a better sense of the importance of culture and context to human rights issues. I made lasting friendships with young lawyers from places like Colombia, Peru, the Dominican Republic, and Jamaica and enjoyed learning about their unique stories.

JH: What was the least interesting?

AG: Every part of the internship was interesting in some way. Most often my days were spent reviewing petitions and preparing initial evaluations as to their admissibility for review by the Commission. I would present these evaluations to weekly group meetings. In addition, I examined the submissions of petitioners and the responses of the relevant government and drafted opinions as to the substantive merits of the claims. The research for these draft reports was somewhat tedious because the Commission lacks sophisticated electronic research tools. Nonetheless, there was always a staff lawyer who could help.

Interns are required to speak two of the Commission's four official languages (English, Spanish, French, and Portuguese). I can work in either English or French. The Commission's unofficial working language is Spanish as most staff members come from Latin America. Most meetings were conducted in Spanish and although I knew that intense debates were taking place over the interpretation and application of human rights, I was unable to fully understand what was being said. Consequently, these meetings were less interesting than they would have been had I been fluent in Spanish.

JH: What tips would you recommend for others interested in securing an internship?

AG: I would recommend that students be flexible and pursue all avenues in attempting to secure an internship. Students should be prepared for the reality that most NGOs and IGOs are unable to pay their interns. However, because they are unpaid the organizations are willing to be more flexible on start and end dates. Students should also be prepared to travel

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Class of '79 on TOUR

Allison Eng (1L)

We've been here for five weeks now, and it's likely that all of us 1Ls have made an innocent mistake here and there. I once walked into the wrong class, and I've witnessed other typical but more amusing mishaps such as walking into the wrong bathroom, and arriving at an early morning class ten minutes before it ended (and speaking in one-word sentences with the prof: "Hi." "Yeah." "So …" "Ok."). The explanation a person would offer for these momentary lapses is probably this: "I lost my mind."

So, when I signed up to be a tour guide at the Reunion Weekend, it didn't register in my mind that the guests on the tour had spent three years in the same building that I had inhabited for a flimsy four weeks. I had lost my mind. Even worse, this did not dawn upon me until I and two other students began the tour with introductions.

Well, it wasn't long before us "tour guides" began to feel like we were the ones being taken on the tour. Our unofficial tour guide was from the class of '79, a natural ringleader with a youthful spirit. Drawing upon an array of memories, he led us through the library to "the pit", a room in the north-east corner of the first floor that was occupied by law students who did everything that you're not supposed to do in a library (e.g. eating, talking, not studying). On one occasion, a few students took it upon themselves to spend the night filling the room to the brim with crumpled up pieces of paper! Alas, "the pit" was shut down shortly after the class of '79 graduated and all that remains today is a long, vertical crack in the wall where the door once stood.

Amidst the memories of being in Dean Percy's first year contracts class, receiving a 9.0 in Jerry Gall's Constitutional law class in '77 (so there *is* hope for success in first year!), remembering the ever-so-disruptive clock in Room 237 and Associate Dean Litman's youthful days, the entire experience felt like a "sneak-a-peek" into the future. It was clear from the alumni's interactions with each other and with us that their years in this faculty were truly "good times".

With only five weeks of law school to stand by, I can say that I've already shared many great memories with many great people. Whether it begins with a mistake or is intended to be memorable, all I can say is that I look forward to more good times in the next two years. And when we come together at our 25th anniversary and take a tour through the building, may those memories once again flourish and bring smiles to our faces!

Summering at the IACHR

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to different locations for internships; in fact, spending time in a new city can enrich the experience. I would encourage students to do their research and then speak to their professors and other legal professionals who may be able to recommend placements. Students seeking an internship in international law or international human rights law should take relevant courses in law school — the Commission provides no background in international law or human rights law to interns before handing them petitions to evaluate. Finally, applications for internships will likely be competitive and your CV should reflect interests and experiences in the relevant field of law.

JH: Thanks for sharing your experience. Canada joined the OAS in 1990. The human rights complaints procedure before the Inter-American Commission on Human Rights is therefore available to Canadian lawyers representing individuals who allege that Canada has breached their human rights. The first Canadian petition to reach the admissibility stage at the Commission is the *Mitchell* case on indigenous rights to culture.

Andrea Gonsalves will be clerking at the Ontario Court of Appeal in 2005-2006.

Joanna Harrington is an Associate Professor at the University of Alberta, specializing in international and constitutional law. She also assisted counsel with the Mitchell petition before the Inter-American Commission on Human Rights.

1L Perspective

High School of Law

Heather Grab (1L)

When faced with the prospect of going to law school, I had all these lofty ideas about what it would involve. I thought that law school would somehow be substantially and profoundly different than my experience in undergrad. It turned out I was right, but little did I know that I had been making the wrong comparison. Discounting the work involved, law school is, well, a lot like high school. For instance:

Class: Visions of high school danced through my head on my first day of school. The phenomenal herd-like behaviour that resulted as we trekked from class to class made it absolutely unnecessary (and wasteful) to even think about thinking between classes. I just followed everyone else and conserved my energy for more important things, – like maintaining my territorial advantage in obtaining the most optimal seat (visible, but not too visible) or trying to remember the name of the person sitting next to me even though we have already been introduced, twice.

Law Building: It is slowly becoming the center of my universe. Like high school, we can survive an entire day without ever leaving the law centre, and I'm sure people have survived much longer. That I have a locker is the source of some consternation because it just means that I can bring more stuff to school and survive much longer without ever having to go home. On the flipside, my locker will be a treasure trove of lost and forgotten belongings (some good, some bad, and some highly suspect) when I go to clean it out at the end of the year.

Pride: My section is better than your section. So there. Now we just need to figure out an appropriate chant to better express why our section is better so it can be sung through the halls on our way to Contracts.

Cliques: I await with great anticipation the fun that can be had from the inevitable existence of cliques in such a closed environment. It's going to take some time but when the first major gossip-worthy drama hits, I'll provide the popcorn. Unless, of course, I'm the subject of the drama, in which case I'll provide the alcohol.

So really, all I ever needed to know about law school, I learned in high school…

Clubs UPDATE

Sarah Bector (2L)

God & Law: Christian Legal Fellowship National Conference

On September 30, 2004 the Christian Legal Fellowship's 4-day national conference kicked off in Vancouver, B.C. I, along with Jarett Kehler (3L) and Dan Mol (3L) had the privilege of attending this conference, as University of Alberta law students. The conference was well attended with over 100 lawyers and more than 25 law students from across the country. This year's conference theme was "*Love the Brotherhood, Fear God and Honour the King.*" Essentially, the conference was comprised of a number of guest speakers and panelists. There were workshops regarding integrating the Christian faith into the practice of law, the extent and role of freedom of speech and religion, the current marriage debate in Canada and the USA, as well as other workshops.

One of my personal highlights of the conference was meeting and interacting with other people of like mind and hearts; where the intersection of faith and law was unashamedly put on the table. You're probably wondering what the heck I'm talking about. Well, it's like this. I remember last year, being in first year law school wondering when exactly we were going to talk about anything related to values, religion, or morality. Because, whether we admit it or not, our laws are infused with values. They might be your values, they might be my values or they might be our buddy Joe's values. But, at the end of the day, our laws are based on someone's values. I can recall a few times last year where religion and faith *were* brought up in lectures – such as in Torts when we studied the Good Samaritan principle, or in Property when we discussed Indian Residential schools. But, aside from these and a few other such classroom discussions, overall, I would venture to say that we rarely if ever, talk about religion and faith as it directly or indirectly shapes our legal system in law school.

At this conference, alongside other law students from UBC, Trinity, U of A, U of M, U of O, U of T, U of W (Windsor), and UWO, I was engaged in thinking about hard questions. Questions such as, how are state and religion separated in Canada? And are they in fact separated? I don't have answers yet for these questions and these are just the tip of the iceberg for me! I wonder though, what do you think? Would you agree that all law is legislated morality – that it isn't as neutral as it's often made out to be? I know that I love God and I love people. And I also know that I want to see Canada be a nation built on solid foundations – where we respect each other, where we care for the needs of all in society, and where justice reigns. Attending this conference has opened my eyes to many of these issues and much more.

I would encourage you to stop me in the hallways and let me know your thoughts after reading this article.

Canons FODDER

Walter Krawec (3L)

Oh, What Fun It Is To Ride: Friday's cattle drive down Jasper Avenue to Churchill Square was a, um, novel way to hype the upcoming Canadian Finals Rodeo, even if it got a bit messy at times. You might want to know that the cleanup crew can't be faulted for any residual foul smells and offensive noises emanating from City Hall: you'll have to blame today's civic election for that.

Eyebrows were raised a couple of weeks ago when United States Supreme Court Justice **Antonin Scalia** was reported to have revealed some unconventional views on relaxation to an audience at Harvard Law School. The Harvard Crimson quoted the staunchly conservative judge saying, among other things: "I even take the position that sexual orgies eliminate social tensions and ought to be encouraged."

It turns out that Scalia's presence might have made the Crimson staff a little too excited, as the *New York Post* reported last week that Scalia had been, in fact, misquoted. According to the *Post*, Scalia had prefaced his remarks by warning that they were purely rhetorical. In light of this revelation, *Canons Fodder* plans to stop calling the august HLS for its special guest-speaker punch recipe. Still, it would've been interesting to hear **Preston Manning** after a swig or three of Five Star truth serum.

In Cyberspace, No One Can Hear You

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In the SPOTLIGHT

On the Subject of Judicial Activism

James Elford (1L)

If one was to read into recent comments made by Justice Anton Scalia to students at Harvard University, where he explained that he believes orgies "eliminate social tensions and ought to be encouraged," you just might get the impression that the Supreme Court of the United States might be a little bit more of a hedonistic, 'Plato's Retreat,' kind of party than one would expect from an institution made up of old people in frumpy black robes. I mean, it's not like the guy would joke about it right? Of course not.

Unfortunately, comments of this sort from someone placed so highly in a legal system – even if not actually our own – create a massive conundrum that cannot easily be filled with caulk or any other fantastic modern day sealant. Indeed, this gaping social policy hole is going to have to be filled with thought and covered with a thick layer of logic. After all, we don't know exactly what he is recommending and since his legal opinion can set precedents for courts, doesn't it follow that his social opinions should help set some social precedent? Man, I never thought that I'd really want to know what Sandra Day O'Connor and the other moderates thought of group sex.

Normally, Supreme Court watchers and fans (popularly known as gavel heads; by popular, of course, I mean I just made that up) are used to being shocked by the candid way Justice Scalia flaunts his deeply conservative position and his ties to the current administration. Whether it be defending racial profiling, justifying bribe taking as free speech, refusing to say there is anything wrong with not excusing himself from a case involving Dick Cheney after spending a weekend fishing with him or simply ordering that police seize tapes of him giving talks, Justice Scalia isn't exactly known for his timidity of speech. But still, a man of his judicial skill and reasoning clearly – like every other judge who has ever lived and ever will live – has chosen his words carefully here to communicate to those students a very specific idea.

The Harvard Crimson reported that, at a recent speech, Justice Scalia said, "I even take the position that sexual orgies eliminate social tensions and ought to be encouraged," when trying to justify his questionable claim that his personal beliefs do not affect his judgements.

This was an especially odd comment given that in the same evening he had ridiculed the European Court of Human Right's decision from 2000 that struck down British legislation barring group gay sex since it intruded on the private lives of individuals. But I guess that just demonstrates that he thinks British gays are plenty relaxed with each other as it is.

Clearly, despite his apparent concerns over the aforementioned judicial activism, he is down with a different kind of 'active' judiciary. I've seen plenty of movies and read plenty of books suggesting that the rich and powerful engage in weird bacchanalian sexcapades behind closed doors. It is a fairly typical way for art house films to get some box-office-building nudity in along with their social commentary, while maintaining some pretension by throwing in some Marx-inspired notion of bourgeoisie wife swapping. But is this type of situation more than just some bad socialist metaphor? Unfortunately, Justice Scalia has planted the seed in my mind.

Of course, this would also explain how the judges keep working together despite their widely disparate views and more openly partisan court. After all, nothing eases things more than some good hate-sex.

What is the lesson here? Should we, as future professionals, be having some kind of wild sex parties to ensure maximum networking? Or is that happening already and I just missed that booth on club day?

It's really too bad I didn't know about this before Justice Binnie came to speak to us last week, as I could certainly use some guidance from *our* courts. I mean, Scalia has laid down a sort of social precedent for lawyers south of the border in which to indulge, but what about us? We need a reference. After all, he didn't seem all that put off by the dinner question.

Unfortunately, that boat has sailed and instead, all I'm left with is the confusion of seeing a very conservative judge break rank with his own war on human sexuality and open up a can of whoop-ass on my preconceptions. Hopefully, he'll take some time to pause and explain his words of 'wisdom' to us young aspiring lawyers so that we can suckle at the teet of knowledge...providing that the knowledgeable teet isn't in a room full of gay British people. Justice Scalia would hate that.

Canons Fodder

...Continued from page 6

Slander: Scurrilous law student gossip and innuendo abounds, together with the occasional useful bit of information, at Lawbuzz (www.lawbuzz.ca). Just try not to defame anyone, OK?

Place Yer Bets: Those of you suffering acute cases of NHL pool withdrawal might want to channel your speculative energy somewhere else until the owners and players come to their senses. For instance, an interesting proposition might involve predicting what'll happen first: the implosion of the Paul Martin minority government or legitimate elections in Iraq. Who can *Canons Fodder* talk to so that we can get the odds posted on the plasma screen near the entrance?

Proust INTERVIEW

PROFESSOR RENKE

Justyna Herman (2L)

This set of questions was famously answered by Marcel Proust, a French writer, in the late 1800s. They have been used since to conduct interviews and help people learn about their true selves and the inner personalities of those around them.

We will be asking the Proust Questions to professors in our faculty. This month, we ask the Proust Questions to Professor Wayne Renke. Professor Renke teaches Evidence, Intellectual Property and Law and Terrorism.

What do you consider your greatest achievement?

...Continued on page 12

Law Girl: Darah Milner

Hometown: Olds
Sign: Virgo

Undergrad Studies: Gen. Social Sciences at the University of Lethbridge

If you were stranded on an island which CD would you want with you? Bob Marley Greatest Hits

What's the one book you would take with you on a flight around the world? The Davinci Code

The one TV show you wouldn't even miss during final exams? Outback Jack

The one movie you would pay twice to see at the expensive theatre? The Notebook

The place you'll most likely travel to when finished school? Southeast Asia

If you could chill anywhere, would you pick the beach or the mountains? Beach

Favorite thing to do when NOT studying? Shop

If money was no object what would be the first thing you would buy? Everything

Pub or Martini Bar? Obviously Martini Bar (did you look at my picture?!)

Underrated soft ball skill? Falling flat on my face

Favourite dance move? Falling flat on my face

Law Guy: Richard Johnson

Hometown: Toronto
Sign: Cancer

Undergrad Studies: 2 of em (Biol. Sci from U of Guelph and Psych from U of Waterloo)

If you were stranded on an island which CD would you want with you? Any Blink 182

What's the one book you would take with you on a flight around the world? Bible…or Kama Sutra…depends on my mood

The one TV show you wouldn't even miss during final exams? The Apprentice

The one movie you would pay twice to see at the expensive theatre? Old School

The place you'll most likely travel to when finished school? The Loans Office, or Scotland so I can test out my lame ass accent

If you could chill anywhere, would you pick the beach or the mountains? Beach

Favorite thing to do when NOT studying? Make the love

If money was no object what would be the first thing you would buy? A money tree from IKEA…ironic?!?

Pub or Martini Bar???? Depends on if my girlfriend's out

What product do you use? Too many to count

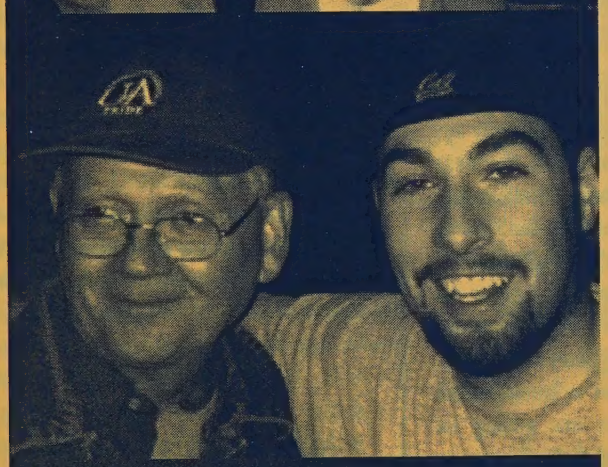
Favourite piece of furniture? Wicker reindeer

Favourite dance partner: wall, or random girl? Definitely wall, or…….

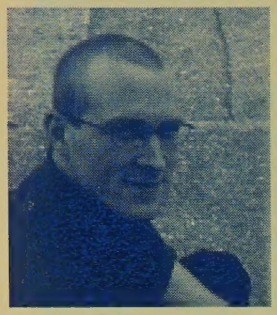
Halloween or New Year's? Don't remember either.

Social Page

Photographs by ***Mike Anderson***



General MALFEASANCE



Matt Vernon (2L)

Interview with the Plasma Screen

Interviewer: Hello, Mr. Plasma Screen, and welcome to the law school! Congratulations on being the building's newest technological addition!

Plasma Screen: Thanks! It wasn't easy to get here, so I consider it quite the accomplishment. I beat out a lot of other highly qualified applicants to earn this perch.

Interviewer: Really? Anyone in particular?

Plasma Screen: I think my stiffest competition was a batch of fully functioning wall clocks; they made a pretty good case for themselves, seeing as how none of the current ones in the building work *at all*. I thought I was out of here for *sure* when that one clock got into that obnoxiously loud rattling-death-spasm during Justice Binnie's speech the other week.

Interviewer: Yeah, that *was* pretty embarrassing. So what do you bring to the school that convinced the powers that be to choose *you* over dozens of other possible improvements that might have actually been *practical* or even *understandable*?

Plasma Screen: Well, I cost a lot more than a bunch of clocks. A *lot* more. I'm pretty sure that had something to do with it.

Interviewer: How do you mean?

Plasma Screen: It's only a theory, but I'm pretty sure it has something to do with all this differential tuition the law school charges its students; if the school didn't spend untold thousands of dollars on needlessly expensive ornaments like myself, they'd have a lot harder time justifying the additional moneys they tack onto the bills of all the students. This way, the school can bemoan its woeful financial situation and push through another tuition hike. I hear there are plans in the works for a faculty *hovercraft*!

Interviewer: Now *that* would be something! Are you sure, though, that it didn't have something to do with your innate usefulness? I mean, aren't you going to bring an untold bounty of timely knowledge to the students and staff here?

Plasma Screen: Well, not more than a regular television would have brought! But they only cost a few hundred dollars, not thousands like I do. And I'm pretty sure whoever bought me just liked saying the word 'plasma'. Try it, it's fun! *Plasma. Plas*... **ma**. "Have you seen our new *plasma* screen?" "Be sure to notice the new **plasma** screen; it's *plasma-tacular*!"

Interviewer: *Plasma*... Hey, you're right! That *is* fun. But in all seriousness, you think

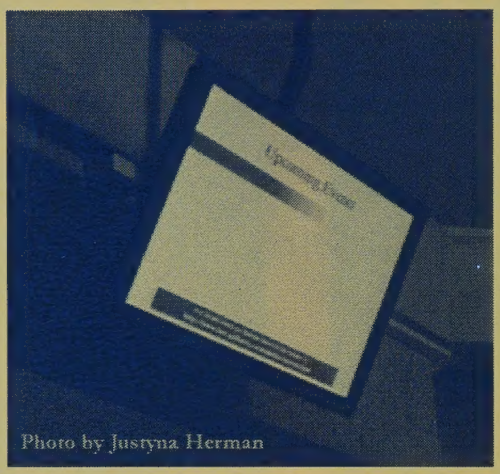


Photo by Justyna Herman

the sheer frivolousness of your purchase *isn't* balanced out by the palpable benefits you'll bring?

Plasma Screen: Hmm... I'm not sure. You see, I pretty well just show what's already up on the web board. Slowly. And really, the vast majority of students already know what's going on around the school. The ones that *don't* know what's going on probably aren't going to stand mindlessly in front of me in the hopes of learning something; if they haven't checked the web board by now, it's unlikely they even care.

Interviewer: But surely you've been placed somewhere where students are going to congregate? Somewhere where your placement will ensure *optimal* levels of exposure to the student body?

Plasma Screen: I'm at the front door. In the foyer. For most of the year, if anyone wants to look at me for more than a minute, they're going to need a parka. If I were actually meant to benefit the students at this school, I'd be up above the library door at the couches.

Interviewer: So you think you're not really here for the students? But then, who *are* you here for?

Plasma Screen: Well, considering that I'm not useful as a source of information, and that I'm not placed anywhere students are ever going to *be*, I'd have to say I'm here for visitors to the law school.

Interviewer: To provide them with useful information about what's going on at the school?

Plasma Screen: What's with you? No, I'm here to be *expensive*, and at the *front door*. Visitors to the school don't care that the *Canons* is having a meeting or that Law's a Beach is coming up. I might as well just be flashing the amount of differential tuition everyone here pays like a strobe light.

Interviewer: Well, that's fair I guess, and we're out of space! It's been a pleasure talking with you. Do you have anything else you'd like to add?

Plasma Screen: *Plasma*!

Three Lines FREE

To the girl in 1L wearing a red corduroy jacket: I like your jacket - wishing that I had a red jacket.

Life in a nutshell: you're nuts, I'm nuts, we're all nuts. - Pistachio.

Message to all profs who distribute handouts: would it be possible for you to hole-punch the sheets as well (if you don't already do so)?

HAPPY BIRTHDAY

Megan Stefaniuk!

Do you want to wish anybody Happy Birthday? Or do you have something to say? Submit it to ***Three Lines Free***. Email your requests to **f1979g@yahoo.com**

Advice COLUMN

He Said, She Said

Mr. & Mrs. Advice

Answering Your Most Urgent Questions

Question: I think I said something really stupid in class the other day. Is there anything I can do so that this doesn't stick with me for three years?

She Said: Did you hear the one about the pregnant midget who went overboard? It adds an entirely new dimension to the whole "duty to rescue" issue. Listen, everyone (OK, mostly over-eager 1Ls and some upper years who should know better) has spoken the words "But what if ..." in class at least once, only to realize too late that their statement is unintelligible without a major suspension of disbelief and/or a lobotomy. It's a rite of passage around here. You know how they always say there are no stupid questions? Well, that's not an absolute. But don't beat yourself up over this. It's highly improbable that anyone noticed what you said – they were all too busy thinking up clever comments to impress the professor. Here's a final thought: someone famous (no, not Britney Spears) once said that it's better to keep your mouth shut and appear dumb, than to open it and remove all doubt.

He Said: The simple answer is...sure. I hear that Abu Dhabi has a great law school and provided that you have not been flagged within the international law student emigration system as a person that asks "those" questions, then problem solved. Unfortunately, if moving to Abu Dhabi is either not in your immediate plans or, alternatively, you would rather not move, then it is highly probable that the question will stick with you for the remainder of your 3 years...especially if it was one of "those" questions (you know the ones). If it was really good, it might find its way into a CAN. You might even have a FABS held in your honour, or even better, be cited in a SCC judgment! So, yes, the stupid question that you felt so inclined to ask will unfortunately stay with you not only for the remainder of your time in law school but possibly for the remainder of your natural life. Sorry.

Question: Out of curiosity, what are the rules for dating within the law school? What do you think Mrs. Manners would have to say?

She Said: What decade are you living in? Welcome to the 21st century. Mrs. Manners is dead. Use that genius IQ that got you into law school and figure it out for yourself. Still looking for Law School Dating for Dummies? For a start, forget everything you learnt about dating from reality TV. Always ascertain the dating status of your object of affection. Now, granted, this may involve some serious undercover investigative work, but it pays off. Knowing that the "love of your life" is otherwise attached is a crucial piece of information regardless of your intentions – it might save you the trouble of getting turned down in some humiliating fashion, or, on the other hand (if it doesn't deter either of you from hooking up), it might provide you with a legitimate exit strategy if things get too intense. And finally: be discreet – don't tell anyone anything, even your "bestest friend 4ever" (see below). Unless you're comfortable being known as the law school Paris Hilton. And yes, there is such a thing as a bad reputation, even for a guy.

He Said: This is a hard one...but a common question. The rules go something like this: if she/he is in one or more of your classes, sits beside you, or sits within 4 seats of you on a regular basis, or has a locker with one or more numbers the same as yours, or has a goldfish with a name that has at least 3 letters in common with your first name and 4 letters the same as your surname, a brother or sister that is older than you and that also shares at least 3 letters with your name, but, if younger, then if 4 letters are shared and they have to sit in seat 5 unless you sit in seat 8 which means they sit in seat 2. This may seem confusing but it's really very simple and clear. And I would explain it, but seeing how we are all law students, then it's just like the Logic Games section of the LSAT and we can now all decipher the rules.

Question: I've just come upon a great piece of gossip involving two of my fellow law students... it's okay to spread it around, right?

She Said: It's not just all right, it's a public obligation. Just make sure you tell me first. There is certainly no reason to feel bad about it. Scruples, meh! Here's the deal: those two are probably having a lot more fun than you right now. That's not fair. If you can't get in on the action, you can at least give the rest of us the play-by-play. And it's not like it's a crime; it's not defamation if it's true.

He Said: Lets examine both sides of the question – if you keep it quiet then only you will have the benefit of knowing this great gossip, but if your share it with others, say, the law school, then everyone will have the benefit of knowing this gossip. And let's remember what our parents always taught us...share with others. This applies equally to great gossip such as "so and so got a nose job, so that little button nose is not really hers" or "he uses slimming and tightening pants and therefore he's not really that trim." People love gossip; it provides bargaining power, so share it with the world!

Any comments, suggestions or ideas?

Let us know!

We have a "Comments Box" in the Law Library

2L FILES

What I learned on my Summer Vacation

Jane Freeman (2L)

Last year, like many other students, I was determined to find a relevant, legal-oriented summer job. I applied to all the firms advertising for 1Ls, all the research positions, and everything that came my way via the "Postings-for-this-week" emails. I wasted - ahem, *invested*, countless hours meticulously honing my resume and cover letter. Having spent the previous two summers working in a law library at a firm in Calgary, I figured I was a shoo-in. I mean, two summers already at a firm **and** I've finished first-year law? Who could compete with that?

After my efforts yielded only four interviews, and I had racked up an impressive collection of PFO or "Please F*** Off" letters, I was feeling defeated. I needed a back-up. Home Depot was hiring? After two interviews, (I know! Who would have thought you needed *two* interviews to sell duct tape?) I had the job. A small victory, but a victory nevertheless. It turned out I never needed it. Something finally came through after exams...I got a job at a law firm!

Ok, so it was at my Dad's firm, which almost never hires summer students, but they took pity and spared me a summer of the orange apron. Heck, if nepotism exists, why shouldn't I take advantage of it? I didn't care; I was on the brink of a pivotal time in life, my first real law job! My first taste of the profession!

The first few weeks were good. I drafted pleadings and wrote memos. I phoned witnesses, sat in on discoveries and tagged along to Court whenever people thought of it. The first time I was asked to file something, I was terrified, but eventually, I was a pro. Then, about halfway through the summer, I got something **really good**...one of the partners asked me to **draft a settlement proposal!**

(For those not in-the-know, this involves finding comparable cases, looking at what the Court awarded **those** people, and basing the final number on that. Duh.)

This was huge. The best thing yet. It would allow me to shine, to really show my stuff. I'd zero in on those legal issues and come up with the best settlement proposal **ever**. And this wasn't some boring old motor vehicle accident settlement. It was a personal injury claim where our client had been hurt by someone's negligence! (OK, so that's what a car accident is too, but this was different!) And our guy wasn't just hurt; he'd been totally *burned*. (literally!)

Getting excited over the misfortunes of others is a trait I found to be quite common in the world of litigation. I found myself exclaiming "Yes!" when coming across a burn injury similar to "mine".

My enthusiasm waned considerably once I'd begun the task. I searched and searched for cases where someone had been burned in the same way - by being scalded - and kept ending up with nothing. (But try typing the word "burn" into QuickLaw; you come up with some pretty depressing stuff.) Cases upon cases of people burned in fires, lots of electrical burns, even a bunch of hospital cases where patients were burned by surgical instruments! Scald cases, on the other hand, were in short supply.

I persevered. I used all those stupid fire/electrical/surgical cases and compared and contrasted - using ones where the burn was in roughly the same location, or maybe where it required the same recovery time - to come up with my draft. And I thought it was darn good in the end. So did the partner who gave it to me! She came to my office and told me I'd done pretty well with my proposal. So we chatted about it a bit. I started developing some pride. She noted that I only had one or two case involving scalds. I explained my relentless search. She understood. She said it was an unusual case. Feeling bold, I agreed, and exclaimed incredulously, "Yeah! I mean, a lot of people get burned by fire!" There was a long pause. She eventually laughed, and asked "Did they teach you that at Law School, Jane?" Shudder. Oh, the humility!

The moral of the story? KEEP YOUR MOUTH SHUT! No. I'm kidding of course; the moral is that no matter how hard you work at something, and even no matter how well you do at something, you can still end up looking like an ass. No, really! The real moral is that no matter how smart you think you are, you can still really put your foot in it, but in the end, it might not matter.

Jane has not been asked back to the firm for Summer 2005...yet.

Proust Interview

...Continued from page 7

* My marriage (23 years and counting; 3 children).

What is your idea of perfect happiness?

* Staying out of the doghouse.

What is your most treasured possession?

* My wedding ring (and my power rack).

What is the trait you most deplore in others?

* Laziness.

What do you consider the most overrated "virtue"?

* Brains (I'll take someone who's capable and hardworking anytime).

What is your greatest extravagance?

* Going to Starbucks on the weekend.

What is your favorite journey?

* Going to Starbucks * then to Chapters.

What are the qualities you most like in a man?

* Courage, loyalty, dedication.

What are the qualities you most like in a woman?

* Courage, loyalty, dedication.

If you were to come back as a person or thing, what do you think it would be?

* A Plains buffalo.

What is your favorite way of spending time?

* Training.

Which living persons do you most admire?

* Lance Armstrong, Evander Holyfield, Arnold Schwarzenegger - special mention for Pat Tillman (Arizona Cardinals; quit and joined Rangers; killed in Afghanistan).

Which historical figure do you most identify with?

* Odysseus.

Who are your favorite fictional heroes?

* Dave Robicheaux, John Rebus, James T. Kirk, Hellboy.

Who are your favorite writers?

* James Lee Burke, Ian Rankin, Barry Eisler, James Ellroy, Thomas Merton, Ivan Illich, George Orwell, Richard Marcinko, Dave Barry.

Who are your favorite musicians?

* Glenn Gould; Lucinda Williams, Steve

...Continued on page 13

HOROSCOPE

Aries: Do you feel adventurous? Think before you act. Below-the-belt piercings and 55-hour Vegas weddings are *so* over. Release your inner rock-star the old-fashioned way: it must be Happy Hour somewhere this side of the equator.

Taurus: Enjoy your relative youth while you still have it: you're still technically younger than most rocks. Avoid scandalous or racy stimuli like politics, romance, or gardening. Be careful you don't forget to breathe.

Gemini: You're smokin' this week! Ignore all those envious peons who disagree. Don't worry if you start seeing men in white lab coats in the vicinity. They just want your autograph!

Cancer: Today your judgment regarding the use of money is not at optimal levels. Jessica Simpson would like to thank you for making her look smarter. Sadly, however, MTV is not interested in your life story.

Leo: You're preoccupied with philosophical questions this month. Investing in a Magic 8-ball may be a worthwhile endeavor. And in case you're still wondering: the egg came first.

Virgo: Don't be ashamed that you're still a Virgo: lots of people are. Rather than feeling frustrated, congratulate yourself on having principles and high standards.

Libra: People respect your opinions, or at least they say they do to your face. Actually, they're just impressed that you can cobble enough words together to *have* an opinion. Parroting CNN no longer qualifies you as informed.

Scorpio: Today you may feel underappreciated by your partner. Instead of focusing on the negatives, try to channel your energies into more positive pursuits, like the cute neighbor next door.

Sagittarius: When a waiter hands you the cork from a bottle of wine, you aren't supposed to smell it. Everyone was mortified. Try limiting yourself to your own social level next time: the stars recommend Burger King.

Capricorn: You'll be faced with some difficult choices this week. Try to imagine what Martha Stewart would do: you can make a functional and aesthetically pleasing switchblade out of a lunchroom tray and dried poinsettias.

Aquarius: There's good news on the horizon. You don't have to worry about getting that job anymore: the stars all but guarantee that you won't. Now that the pressure's off, feel free to redirect your energies back to television.

Pisces: When you're choosing your wardrobe this week, try not to draw too much attention to yourself. Being noticed is just another step along the way to being disliked: the goal of every law student should be to make it though school without being the target of the rumor mill.

Proust Interview

...Continued from page 12

Earle, Alison Krauss, Johnny Cash; KMFDM, Rammstein, Aerosmith, Blondie.

Who are your favorite filmmakers?

* John Woo, Akira Kurosawa, Ridley Scott, David Lynch, John Carpenter.

Who are your favorite actors?

* Jackie Chan, Chow Yun Fat, Michelle Yeoh, Kurt Russell, Anjelica Huston, Johnny Depp (a lot of people comment on our resemblance).

What was the last book you read?

* D. Bolger, *Death Ground: Today's American Infantry in Battle.*

Which words or phrases do you most overuse?

* "Well ex-c-u-u-u-u-se me", "We're burnin' daylight", "Holy Dinah", and several more pointed Anglo-Saxon terms, when aggravated.

What are your biggest everyday pet peeves?

* Useless meetings and bureaucratic make-work.

What is your motto?

* Take what you do seriously, but don't take yourself seriously.

What talent would you most like to have?

* To float like a butterfly and sting like a bee.

Poetry

HARVEST

They talk
eying each other Up
and down
s u r v e y i n g
like gardeners
before sowing
 ------- w o r d s .

Testing the drainage
digging to the right depths
scrUpulous seed selection.
Then -
the br o a d c a s t .

When they embrace, they lean
pre ci pi tous ly

neck
  to
  neck.

Just touching
like the UprIghT pLaNks
you see against the carpenter's shed,
their heads cocked just enough to each side
like latches to each other's cupboard;
Where what once
may have surprised
or Ignited,
what hasn't already rusted,
is shredded like garbage;
cheWed when all eyes were shut.

When they kiss, the *WEBBING* changes.
they catch-on-each-other'S-hookS
not knowing
if the salty wetness
which unites them,
is the cunninG
pull and
give
of tendons,
or the HEAVINESS of nets.

They will live off one another
the wounds that rise flesh-like
after pain and after wait.
They believe that
  this is what they must do
    to line up scales and proofs.
Let me describe to you what I want she says.

Clint Martin

November Calendar of Events

Sun	Mon	Tue	Wed	Thu	Fri	Sat
31 *Halloween*	1 Canons submissions deadline	2 Health Law Institute Speaker Series Rm 237, 12-1pm	3	4 Clerking w/ the Supreme Court of Canada Rm 105, 12-1pm	5	6
7	8 Fourth issue of Canons published Borden Ladner Gervais Fellowship Reception	9	10 Canons Meeting, noon, Rm 102	11 *Remembrance Day School Closed Diwali*	12 Job Shadowing *School Closed Diwali*	13
14	15	16	17	18	19 *FABS*	20 Canons submissions deadline
21	22	23	24	25	26	27 *LSA Kids Christmas Party, Gavel*
28	29 Fifth issue of Canons published	30	1	2 *LSA Turdey Lunch, Gavel, noon to 2pm*	3	4

Sports COMMENTARY

Au Revoir, Nos Amours

Darin McKinley (1L)

We all knew it was coming. Teams just can't experience what the Montreal Expos have been through over the past decade and come out unscathed. The botched stadium deals, the numerous "Fire Sales" and salary dumps, the dwindling crowd support in a stadium that was falling apart and needed to be imploded years ago. How much suffering can one team go through and still be expected to field a team for 162 games a year? It really was only a matter of time before it all came to an end. Unfortunately, that end finally came on September 29, when it was announced that the Expos were packing up and moving south to Washington, D.C. for the 2005 season.

It really is sad when you think about it. Thirty-six years of baseball in Montreal have gone marching into the history books, never to be recaptured. I guess, however, for those like me, who really did care about the plight of Nos Amours (especially over the last ten years), there will always be the memories. And oh, did they ever give us memories. From their mascot Youppi, to Dennis Martinez's perfect game, to the 1981 season when they were one run away from the World Series, the Montreal Expos left their fans with a lifetime of memories to cherish and reflect on.

Even more importantly, however, the Expos left us with hope. Now, I realize that sounds ridiculous considering the circumstances, but it's true. They left us with a hope that even in the face of adversity and almost certain failure it remains possible for someone to succeed, and even flourish. For example, the 1994 Major League Baseball strike is largely viewed as the beginning of the end for the Expos. On August 11 when the season ended, the Expos were 74-40 and had the best record in baseball. Over that long winter, they lost many of the players from that great team, including Larry Walker, Marquis Grissom, and John Wetteland. But baseball in Montreal played on in 1995, and then in 1996 the team was back near the top with an 88-74 record, finishing only two games behind the Los Angeles Dodgers in the race for the National League Wildcard. The team had essentially been left for dead after 1994, but they never quit. In the face of adversity, the Expos continued to play on. And not just play on, but play well.

Alas, even with such perseverance, the Expos could never succeed in the long run considering the circumstances. A team can only be hung out to dry so many times before it becomes too much. After all, the Expos didn't have it easy from the start, as they tried to carve out a niche in a city that will always be known more for its hockey than anything else. Beyond that, many of the team's problems have stemmed from the ballpark that they called home for the last twenty-eight years. Olympic Stadium, a large and expensive relic that epitomizes the costly 1976 Olympics, has long been viewed as one of the worst ballparks in the majors, from both a player and fan perspective. When the team couldn't work out a deal with the city for a new downtown ballpark, it was just one more nail in their coffin.

Further, when things started to get bad for

...Continued on page 15

Bowman's BANTER SPORTS

Cam Bowman (2L)

Friday Night Lights

I went to see *Friday Night Lights* the first night it came out, which was, coincidentally, last Friday. Lights may or may not have been present. For those of you who don't know, the movie is based on the book by HG "Buzz" Bissenger, a *Sports Illustrated* writer who spent a year in Odessa, Texas writing about the experiences of the Permian Panthers, a high school football team.

The only really big-name actor in the movie is Billy Bob Thorton, who stars as head coach Gary Gaines, although Tim McGraw makes an appearance in the movie and does a good job playing an abusive, alcoholic father to one of the players. And to have more realistic football action, the director even brought in footage from the 2003 Panthers and did a great job mixing that in with plays done by the actors. That, and some of the former players even make appearances as coaches. Just FYI.

The film follows the players throughout their 1988 season, showing their lives both on and off the field. The movie has an almost documentary feel to it, with the football action itself taking secondary importance to a revealing and poignant look at the life of a football player in West Texas. Realistic football scenes combine with serious emotional moments that prompt an audience to stop cheering and to think for a while. It isn't just a feel-good adrenaline film like the standard fare in the genre; when you come out of the theatre, you're less likely to comment "what a play" or "great hit" than just "wow".

Perhaps the best part of the movie is that it is based on a true story; what sets the movie apart from other football movies is the stark, real life backdrop where all the football, the otherwise ostensible star of the film, takes place. The audience is constantly bombarded with the unyielding importance of high school football in Texas; the local radio call-in shows routinely blast the performance of teenage players, and constantly question the techniques employed by the coach, as though there was nothing else of import to talk about. At one point, the coach even returns home after a loss to find his lawn littered with "For Sale" signs; it isn't an easygoing town when it comes to football. Heck, the team plays in a packed stadium with capacity for 20,000, which is more than the Saddledome has. And the Flames made the Stanley Cup Playoffs.

The town itself makes football both the best and worst thing in the lives of the young men playing the sport. The players are veritable royalty, but it's a post that comes with pressure as great as the rewards. The net effect is that while the sport makes these boys who they are and all but defines their waking lives, when the season ends you get the distinct feeling that it's a real relief. And you leave the theatre feeling as though you were there every step of the way.

Friday Night Lights is, to my mind, one of the best football movies I've ever seen. I would say go so far as to say it's actually one of the best sports movies out there in general, if not the best. And you don't just have to take my word for it; even my fiancée liked it. And she liked *The Notebook*.

Au Revoir, Nos Amours

...Continued from page 14

the team financially in the late 1990s, Major League Baseball all but abandoned both the team and the city by allowing then owner Jeffrey Loria to all but walk away from the team in his attempt to gain control over the Florida Marlins. That move left the Expos without leadership and direction in the front office, and led to a situation wherein the team became the unwanted orphan of the league. When the league, unable to find a new owner, took control of the team's everyday operations in 2002, we all knew it was with the purpose of moving the team to somewhere other than Montreal. When Commissioner Bud Selig came out with his plan for contraction (a plan aimed at lowering league costs and increasing competitiveness through the elimination of the Expos and the Minnesota Twins), however, it was a new low for the league. Luckily enough, the league's attempt was thwarted by the Player's Union and the parties involved, and the Expos continued to play on.

But this last move really was too much for even the Expos to take. Despite obvious overtures to assure us that the league had the best interest of the team in mind – the addition of All-Star pitcher Bartolo Colon comes to mind – we all knew that with the right deal the team would be out of Montreal so fast it would make even Ben Johnson stagger. And so it was that for the 2003 season the league embarked on another fact-finding mission with their favorite scapegoat, forcing the Expos to split their 81 "home" games between Montreal and San Juan, Puerto Rico. There is nothing quite like forcing a team to play half their home games indoors in front of 5000 or so fans and the other half in ninety degree weather in the middle of the Caribbean. The mission continued in 2004 despite much protest from the players and the union. It really seemed that Major League Baseball didn't know when enough was enough. Happily, at least for the granting of closure, the end has now arrived. Montreal will move to Washington for 2005, and the Expos' long and interesting history will become just that.

So what, in the end, will be the Expos' legacy? Besides the memories and the hope they gave us, it has to be the players. Man, did that team ever know how to develop ballplayers. It's just unfortunate that most of them are now making their living playing for teams other than the Expos. Players that have come up through the Expos system are scattered all over the major leagues. Randy Johnson, Larry Walker, Javier Vasquez, Orlando Cabrera, and Andres Galarraga all made names for themselves in Montreal prior to moving on to greater money and recognition elsewhere. Possibly the best of them all, Vladimir Guerrero, just finished an MVP-caliber season for the Anaheim Angels. Having signed a long-term free agent contract with the team last winter, he will remain an Angel for many years to come, forcing us to once again imagine what could have been had the dream been allowed to play on. But this is reality. The game is over. It won't be coming back. And in the end, all we have to remember the Expos by is their legacy – players who will continue to succeed, just in other places.

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Catherine MILLER - road trip

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Date: 10/28/2004 12:22 PM
Subject: road trip

hi everyone,

i just have ten minutes before class, but i wanted to update you all on some goings on in my life at the moment. first of all, big shout outs go to gabers. felicitations on becoming sweet sixteen. not that you need any more sugar in that sweet sweet soul of yours. i love you. i will call you to catch up this weekend.

second, for all those for whom this is a big deal, i saw joni mitchell get an honourary doctorate at mcgill last night. she only spoke for a few minutes about the black people, and the red people, and the white people, basically saying that white people don't play music the same way as black people do because we are farther from the equator. it was very confusing but interesting none the less, and i know mom is sitting there jealous. ha ha.

third, you can read me quoted in the student newspaper, the daily, in today's edition talking about pumpkins. one of jessie and nancy's (for sa) friends emailed me about my beautful "read ugly" gourd, and it ended up in the paper. go laugh at me.

last, i am going to new hampshire on monday to go work in the swingin' swing state with a bunch of american democrats. i will fill you in on the details this weekend when i call home. i promise not to get arrested. (it's a joke, come on now people!)

oh right, real last thing, i am having people over on friday to carve pumpkins/eat butternut squash soup/drink hot cider if any of you all want to stop by my place. the pumpkin pie will be worth the trip.

i love you all tremendously. i promise to call home this weekend.

dad- i have another joke i will send you when i have a moment.
mom - don't be too jealous, joni didn't sing
boo boo - i got an A- on that midterm you helped me with. it was a miracle ordained by nietzsche
sa- i will write you a proper respose to your email when i get a chance
ugs - i've got nothin' in particular to say to you
legs - bonne fete encore.

okay, i am off to french class!

avec tout mon coeur et puis some,

la la

Now

to Ottawa Nov 17 am.
to Toronto train
to Kingston train

Kingston → Ed. 22
5 pm.

Need.

→ Kingston Thurs 18th
or Fri 19th.

meet with Hugh Crawford
Sat 4 pm 20th.

Deans FDOs mtg 21
22

late 22nd car → Ottawa

23rd. meet ō Joseph Stanford
Bruce Ramsden

reception 23rd 5:30-7:30

Nov 24 leave Ottawa
meet in dm ō ——

6A mtg.